

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X 12 CIV 4635 (DLC)
Kevin Watkins,

Plaintiff,

-against-

Derek Smith, et al.

Defendants.

-----X 12 CIV 7659 (DLC)
Jessica Dugue,

Plaintiff,

-against-

Kevin Watkins,

Defendant.

-----X

AFFIRMATION IN SUPPORT OF MOTION TO DISQUALIFY

Anil Taneja, Esq., attorney for plaintiff, hereby affirms the following under the pains and penalties of perjury:

1. I am an attorney for the plaintiff Kevin Watkins, and am fully familiar with the facts and circumstances herein.

2. I make this affirmation in support of plaintiff's motion to administratively dismiss defendant Dugue's complaint pursuant to FRCP 42(a).

3. Dugue v. Watkins, 12 Civ. 7659, was brought in state court approximately four months after the service of Watkins v. Smith, et al., 12 Civ. 4635, in which defendant Dugue and her attorneys in Dugue v. Watkins are all defendants.

4. The complaint filed in Dugue v. Watkins was presented in detail as a defense to plaintiff Watkins allegations against the defendants. This included an audio recording

which the defendants have identified as the recording of the sole basis for their extortion demand against the plaintiff.

5. The Dugue v. Watkins case was brought in bad faith to avoid facing federal pleading and other standards, and in order to harass the plaintiff by splitting his resources between two forums. The Dugue v. Watkins complaint was part of the common nucleus of operative fact surrounding the Watkins v. Smith matter, and any counterclaim should have been brought in the main case.

WHEREFORE, plaintiff Kevin Watkins respectfully requests that this Court grant an order pursuant to Rule 42(a) of the Federal Rules of Civil Procedure ordering that Dugue v. Watkins, 12 Civ. 7659, be administratively dismissed or consolidated with Watkins v. Smith, et. al., and defendants Jessica Dugue, Bryan Arce, Arce Law Group, PC, Derek Smith, and Derek Smith Law Group, PC, be sanctioned, together with such other and further relief as this Court may deem just and proper.

Dated: New York, NY
October 19, 2012

Respectfully Submitted,

_____/s/
Anil Taneja, Esq., M.B.A. (AT-1760)
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